

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

LORI ANN MORRIS, as)	
administratrix of the)	
estate of Vernell Brian)	
Morris,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	3:05cv962-MHT
)	
FLORIDA TRANSFORMER, INC.,)	
and EDWARD NEAL THOMPSON,)	
)	
Defendants.)	

ORDER

It is ORDERED that the motion to strike (Doc. No. 49) is denied.

In resolving the pending summary-judgment motions, the court has implicitly considered the motion to strike as a notice of objections to the testimony described. See Norman v. Southern Guar. Ins. Co., 191 F.Supp.2d 1321, 1328 (M.D. Ala. 2002); Anderson v. Radisson Hotel Corp., 834 F.Supp. 1364, 1368 n. 1 (S.D. Ga. 1993). The court is capable of sifting evidence, as required by the

summary-judgment standard, without resort to an exclusionary process, and the court will not allow the summary-judgment stage to degenerate into a battle of motions to strike. Rather, as is apparent from the opinion and judgment entered today, the court has entertained all briefs on the admissibility of evidence and resolved the evidentiary issues as part of the summary-judgment-motion process.

DONE, this the 5th day of October, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE